IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WA.No. 1132 of 2001()

AGAINST THE JUDGEMENT IN OP.13168/1998 Dated 06.07.2000
AND ORDER IN R.P. 381 OF 2000 DATED 29/11/2000
.....

APPELLANT/REVIEW PETITIONER/PETITIONER:

K.V. JOSEPH,
KAKKASSERIL HOUSE, MEMURI P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI. JOHNSON MANAYANI

RESPONDENTS/RESPONDENTS/RESPONDENTS:
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1. CHIEF GENERAL MANAGER, STATE BANK OF INDIA,
CHENNAI LOCAL HEAD OFFICE,
CHENNAI, TAMILNADU.

2. BRANCH MANAGER, STATE BANK OF INDIA,
AGRICULTURAL DEVELOPMENT BRANCH,
PAYYANNUR.

BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 1132 OF 2001

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Dated this the 11th June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This Writ Appeal is filed against the judgment of the learned single Judge in O.P. 13168 of 1998 dated 06.07.2000 and the order in the Review Petition 381 of 2000 dated 29.11.2000.

2. By the impugned orders, the learned single Judge had rejected the request made by the petitioner for enhancement of subsistence allowance during the pendency of the enquiry proceedings.

3. The Appeal is of the year 2001. Learned counsel appearing for the appellant would submit that the respondents have completed the enquiry proceedings and they have also terminated him from service.

4. At this stage, it may not be necessary for this court to go into the correctness or otherwise of the impugned orders passed by the learned single Judge. For the enhanced rate of subsistence allowance, for the period he was kept under suspension, first, he should make a representation before the authorities or to go before a civil court for recovery of the amounts due to him. In view of the above, the following:

O R D E R

i) Writ Appeal is disposed of .

ii) Liberty is reserved to the petitioner, if he so desires, to make appropriate representations for payment of enhanced rate of subsistence allowance, for the period he was kept under suspension. It is needless to say that when such a representation is made, the respondents will examine it and pass appropriate orders.

iii) Liberty is also reserved to the petitioner, to file appropriate civil suit, if he so desires, for the enhanced rate of subsistence allowance, for the period he was kept under suspension, subject to the period of limitation.

With these observations and directions, the Writ Appeal is disposed of . Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

lk/DK.